

REMARKS

Applicants thank Examiner Hawthorne and Supervisory Patent Examiner Bianco for the courtesy of the telephonic interview conducted on March 12, 2009.

Amendments and new claims

Claims 1-8 have been amended, and Claims 11-43 have been added. No new matter has been added. Claim 9 has been cancelled. Support for the amended and new claims is found, for example, in at least the paragraphs on page 7, lines 17- 35; page 13, line 11 to page 15, lines 2; page 16, line 9 to page 18, line 3; page 30, lines 13-25; page 42, lines 19-23; and page 47, line 23 to page 48, line 4 of the specification as filed.

Objections to the specification

With this amendment, an abstract has been provided on a separate sheet in accordance with 37 CFR 1.52(b)(4).

The Examiner has suggested guidelines for a preferred layout of the specification. Applicant has amended the specification accordingly. No new matter is believed to be added.

Claim rejections under 35 U.S.C. § 112

The Examiner has rejected claims 1-5, 7, and 9 under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter to which the Applicants regard as their invention. Applicants believe that the amendments made in this present response have corrected any such deficiencies. As such, withdrawal of these rejections is respectfully requested.

Claim rejections under 35 U.S.C. § 102(e)

The Examiner has rejected claims 1-10 under 35 U.S.C. § 102(e) as being anticipated by Risk et al. (US 6,755,807). As discussed and agreed during the telephonic interview, Risk fails to disclose the particular limitations of claim 1. For instance, Risk does not disclose, inter alia, a cleansing means for selectively removing materials that are deleterious to wound healing from wound exudate, and a moving device for moving wound exudate from the wound and to the

Application No.: 10/575,871
Filing Date: January 29, 2007

cleansing means and for moving cleansed wound exudate from the cleansing means back to the wound. Applicant further submits that the cited reference does not teach or suggest the unique combination of features recited in the dependent claims. Consequently, Applicants respectfully request that the instant rejections be withdrawn.

New claims

Applicant has added new Claims 11-43. These claims are patentable over the cited reference for the reasons as discussed during the interview.

No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

Co-Pending Applications of Assignee

Applicant wishes to draw the Examiner's attention to the following co-pending applications of the present application's assignee.

Docket No.	Serial No.	Title	Filed
SMNPH.002APC	10/533275	APPARATUS FOR ASPIRATING, IRRIGATING AND CLEANSING WOUNDS	11/09/2005
SMNPH.003APC	10/576263	WOUND CLEANSING APPARATUS WITH ACTIVES	11/09/2006
SMNPH.004APC	10/575875	WOUND CLEANSING APPARATUS WITH HEAT	02/01/2007
SMNPH.006APC	10/575870	WOUND CLEANSING APPARATUS WITH SCAFFOLD	04/17/2006

Application No.: 10/575,871
Filing Date: January 29, 2007

SMNPH.007APC	10/599720	WOUND CLEANSING APPARATUS WITH STRESS	10/06/2006
SMNPH.007C1	11/957860	WOUND CLEANSING APPARATUS WITH STRESS	12/17/2007
SMNPH.008APC	10/599722	DRESSING AND APPARATUS FOR CLEANSING THE WOUNDS	09/19/2008
SMNPH.009APC	10/599725	APPARATUS FOR CLEANSING WOUNDS WITH MEANS FOR SUPPLY OF THERMAL ENERGY TO THE THERAPY FLUID	09/22/2008
SMNPH.010APC	10/599728	APPARATUS FOR ASPIRATING, IRRIGATING AND/OR CLEANSING OF WOUNDS	11/03/2008
SMNPH.011APC	11/577642	SIMULTANEOUS ASPIRATE & IRRIGATE & SCAFFOLD	08/23/2007
SMNPH.014APC	11/919355	WOUND TREATMENT APPARATUS AND METHOD	10/26/2007
SMNPH.015APC	11/919369	WOUND TREATMENT APPARATUS AND METHOD	10/26/2007
SMNPH.016APC	11/919354	WOUND TREATMENT APPARATUS AND METHOD	10/26/2007
SMNPH.017APC	12/066578	APPARATUS WITH ACTIVES FROM TISSUE	03/12/2008
SMNPH.018APC	12/066730	APPARATUS WITH ACTIVES FROM TISSUE	10/09/2008
SMNPH.019APC	12/066585	APPARATUS	03/12/2008

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 4-1-09

By:

Sabing H. Lee
Registration No. 43,745
Attorney of Record
Customer No. 20995
(949) 760-0404